

**Esteban Bovo, Jr.**  
Mayor

**Carl Zogby**  
President

**Monica Perez**  
Vice President



Council Members  
**Bryan Calvo**  
**Oscar De la Rosa**  
**Jacqueline Garcia-Roves**  
**Luis Rodriguez**  
**Jesus Tundidor**

City Council Meeting  
Agenda  
**December 14, 2021**  
7:00 p.m.

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1. **CALL TO ORDER**

2. **ROLL CALL**

3. **INVOCATION**

A. The invocation to be led by Marbelys Fatjo, City Clerk.

4. **PLEDGE OF ALLEGIANCE**

A. The Pledge of Allegiance to be led by Council Vice President Perez.

5. **MEETING GUIDELINES**

*The following guidelines have been established by the City Council:*

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be

permitted within the Council Chamber.

- Any person, whether participating via the web platform, telephonic conferencing or physical presence at City Hall, interested in making comments or posing questions on matters of public concern or on any item on the agenda, may do so during the meeting.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.
- The public can view public meetings on the City's Facebook page (@CityofHialeah).
- Members of the public may hear the meeting live through telephonic conferencing using any telephone or cellular phone service. A smart device or computer are not necessary to participate in the meeting if you join by phone.
- All persons participating via the web platform will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video. The video function of all participants appearing through video will be turned off until called upon to be heard.

## **6. PRESENTATIONS**

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## **7. COMMENTS AND QUESTIONS**

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## **8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA**

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## **9. CONSENT AGENDA**

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*All items listed under Consent Agenda with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.*

A. Request permission to approve the minutes of the City Council Meeting held on November 23, 2021.

(OFFICE OF THE CITY CLERK)

12/10/2021 5:17 PM

- B. Request from Fireworks Lady & Co. LLC, with a principal address of 8600 Northwest South River Drive, Suite 75, Miami, Florida 33166, for permission to install a seasonal tent for the sale of state certified fireworks, with set up taking place on Friday, December 17, 2021 and take down on Monday, January 3, 2022, and with sales scheduled to take place from Wednesday, December 22, 2021 through Friday, December 31, 2021, with the tent to be located at Westland Mall located at 1675 West 49<sup>th</sup> Street, Hialeah, Florida, in accordance with the recommendations from the Fire Department.

(OFFICE OF THE CITY CLERK)

- C. Request from Party King Miami Inc, located at 3575 West 10 Avenue, Unit 207, Hialeah, Florida 33012, for permission to install a seasonal tent for the sale of sparklers, with set up taking place on Sunday, December 19, 2021 and take down on Monday, January 3, 2022, and with sales scheduled to take place from Thursday, December 23, 2021 through Friday, December 31, 2021, with the tent to be located on vacant land located at 795 Hialeah Drive, Hialeah, Florida 33010, in accordance with the recommendations from the Police Department and the Fire Department.

(OFFICE OF THE CITY CLERK)

- D. Request permission to issue a purchase order to Progressive Waste Solutions, doing business as Waste Connections of Florida, Inc., vendor currently under contract with the City for the collection of residential municipal solid waste beginning on August 26, 2015 and ending on September 30, 2019 with an automatic renewal term thereafter of five (5) years ending on September 30, 2023, for the payment of disposal of construction debris during fiscal year 2022., in a total cumulative amount not to exceed \$50,000.00. The funding for this expenditure is to be charged to the Solid Waste Division Fund – Utility - Waste Disposal Fees Account No. 401.3240.534.433 after a transfer of \$30,000.00 from the Solid Waste Division Fund - Professional Services Account No. 401.3240.534.310.

(DEPARTMENT OF PUBLIC WORKS)

- E. Request permission to issue a purchase order to Opex Business Machines Corporation, sole source vendor of Opex equipment, for the maintenance of the Department of Public Works' payment processing machine, in a total cumulative amount not to exceed \$25,720.00. The funding for this expenditure is to be charged to the Water & Sewers Division Fund - Repair & Maintenance - Equipment Account No. 450.9500.536.462.

(DEPARTMENT OF PUBLIC WORKS)

- F. Request permission to utilize Contract No. 44102100-17-1 – *Mail Processing Equipment*, effective through February 19, 2022, between the State of Florida Department of Management Services and Neopost USA, Inc., and issue a purchase order to Quadient, Inc., formerly Neopost USA, for the lease of the Department of Public Works' mailing equipment, in a total cumulative amount not to exceed \$40,000.00. The funding for this expenditure is to be charged to the Water & Sewers Division Fund - Contractual Services Account No. 450.9500.536.340.

(DEPARTMENT OF PUBLIC WORKS)

- G. Request permission to utilize an agreement between the City of Miami Beach and Xylem Water Solutions U.S.A., Inc for the purchase of *FLYGT/Xylem Pump Equipment, Parts, Software, Services and Related Items*, effective through May 12, 2025, and issue a purchase order to Xylem Water Solutions U.S.A., Inc., for the supply of new pumps, repairs, parts and/or replacement of FLYGT submersible pumps and attributes for the purpose of maintaining and operating the sewer pump stations of the Department of Public Works,

in a total cumulative amount not to exceed \$400,000.00. The funding for this expenditure is to be charged to the Water & Sewer Division Fund - Capital Outlay - Infrastructure Account No. 450.9520.535.630 after a transfer of \$400,000.00 from the Water & Sewers Division Fund - Capital Outlay - Infrastructure Account No. 450.9510.533.630.

(DEPARTMENT OF PUBLIC WORKS)

- H. Request permission to utilize Agreement Amendment #1 between the City of Cooper City and Advanced Environmental Laboratories, Inc., awarded pursuant to Request for Proposal No. 2018-11-UTL - *Laboratory Testing Services - Utilities Department*, effective through October 9, 2022, and issue a purchase order to Advanced Environmental Laboratories, Inc., a certified lab for water quality testing, for the service of water quality laboratory testing, in a total cumulative amount not to exceed \$30,000.00. The funding for this expenditure is to be charged to the Water & Sewers Division Fund - Professional Services - Water Quality Testing Account No. 450.9510.533.315 after a transfer of \$25,000.00 from the Water & Sewers Division Fund - Contingency Reserve Account No. 450.9500.536.500.

(DEPARTMENT OF PUBLIC WORKS)

- I. Request permission to issue a purchase order to AECOM Inc, vendor approved by the City Council on March 26, 2019 (Item I) for the relocation of pipelines connecting the Reverse Osmosis Water Treatment Plant and four (4) Graham wells, for the final close-out of the four (4) wells including clearance and start-up from the Florida Department of Health, in a total amount of \$152,000.00, half of which is to be paid by the Miami-Dade County Water and Sewers Department, and further request a contingency in the amount of \$15,200.00 to cover any unforeseen field conditions, for a total cumulative expense amount not to exceed \$167,200.00. The funding for this expenditure is to be charged to the Water & Sewers Division Fund Professional Services - Engineering Account No. 450.9530.536.311.

(DEPARTMENT OF PUBLIC WORKS)

- J. Request permission to utilize Region 4 Education Service Center Contract No. R192006 – Maintenance, Repair and Operations (MRO) Supplies & Related Services, effective through March 31, 2023, contract which is part of Omnia Partners, the largest cooperative purchasing organization for the public sector offering a large portfolio of competitively bid contracts, which the City of Hialeah is registered to utilize, and issue a purchase order to Lowe's, for maintenance, repair and operation supplies, when needed, in a total cumulative amount not to exceed \$35,000.00 to be allocated through various City departments. The funding for this expenditure will be provided by the City department(s) utilizing the services of this vendor.

(PURCHASING DIVISION)

- K. Request permission to utilize University of California Contract No. 2020002300 – Janitorial Supplies & Equipment, effective through June 21, 2027, contract which is part of Omnia Partners, the largest cooperative purchasing organization for the public sector offering a large portfolio of competitively bid contracts, which the City of Hialeah is registered to utilize, and issue a purchase order to Office Depot, for the purchase of janitorial supplies and equipment, when needed, in a total cumulative amount not to exceed \$50,000.00 to be allocated through various City departments. The funding for this expenditure will be provided by the City department(s) utilizing the services of this vendor.

(PURCHASING DIVISION)

- L. Request permission to utilize Region 4 Education Service Center Contract No. R200601 – Equipment and Tool Rental Services, effective through October 31, 2023, contract which is part of Omnia Partners, the largest cooperative purchasing organization for the public sector offering a large portfolio of competitively bid contracts, which the City of Hialeah is registered to utilize, and issue a purchase order to Sunbelt Rentals, for the rental of tools and equipment, in a total cumulative amount not to exceed \$20,000.00 to be allocated through various City departments. The funding for this expenditure will be provided by the City department(s) utilizing the services from this vendor.

(PURCHASING DIVISION)

- M. Request permission to utilize Kansas City, Missouri Contract No. EV2370 – *Electrical, Lighting, Data Communications and Security Products and Related Products, Services and Solutions*, effective through January 31, 2023, contract which is part of Omnia Partners, the largest cooperative purchasing organization for the public sector offering a large portfolio of competitively bid contracts, which the City of Hialeah is registered to utilize, and issue a purchase order to Graybar Electric Company, for the purchase of electrical, lighting, data communications and security products, when needed, in a total cumulative amount not to exceed \$40,000.00 to be allocated through various City departments. The funding for this expenditure will be provided by the City department(s) utilizing the services from this vendor.

(PURCHASING DIVISION)

- N. Request permission to utilize Miami Dade County Request to Qualify No. 008800 – *Special Event Equipment Rental*, effective through January 31, 2027 establishing a pool of qualified vendors capable of providing event equipment rental items, and request an Invitation to Quote (ITQ) on an event basis from the prequalified vendors:
1. Sunshine Tents & Event Rentals LLC
  2. Lechat USA Inc, doing business as Rumbas Event Rentals
  3. A 2<sup>nd</sup> Chance Party Rental, Inc., doing business as Genair Event of South Florida
  4. Fiesta Carousel, Inc.
  5. Glen's Tents and Table Rental Services, Inc.
  6. Logistic Events Corp

The funding for this expenditure will be provided by the City department(s) utilizing the services from this vendor.

(PURCHASING DIVISION)

- O. Request permission to waive competitive bidding, since it is advantageous to the City in that due to Covid-19, the City has had an influx of vacant rental units which required renovations and cleaning to prepare the units for rental, and as a result, the expense amount for this service has not exceed \$15,000.00 in the past for affordable housing, and increase Purchase Order 2022-132, issued to Action Cleaning Services AP, Inc., by an additional amount \$25,000.00, for a new total cumulative amount not to exceed \$35,000.00. The funding for this expenditure is to be charged to the General Fund - Contractual Services Account No. 001.8500.519.340.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

- P. Request permission to waive competitive bidding, since it is advantageous to the City in that an additional thirteen (13) SOD palmetto pallets are needed, and increase Purchase Order 2022-820, issued to Mystic Gardens Lawn Contractors, doing business as Mystic Garden LLC, vendor approved by the City Council

on October 26, 2021 for the repair and maintenance to the Police Department's K9 Training Facility, including the removal of existing grass, installation of sand, sod and spray herbicide, for payment of the cost of the additional thirteen (13) pallets needed to complete this project, by an additional amount \$5,720.00, for a new total cumulative amount not to exceed \$21,270.00. The funding for this expenditure is to be charged to the General Fund - Repair & Maintenance - Building Account No. 001.1000.521.461.

(POLICE DEPARTMENT)

- Q.** Request permission to issue payment to the State of Florida Department of Environmental Protection for an annual regulatory program and surveillance fee for stormwater permits, since it is advantageous to the City in that in 1993 the City of Hialeah Streets Department created a Stormwater Utility Program and in order to operate the program, the City is required to maintain its permit from the Florida Department of Environmental Protection, the entity responsible for the implementation of the Stormwater element of the National Pollutant Discharge Elimination System mandated by the Clean Water Act, in a total cumulative amount not to exceed \$18,760.00. The funding for this expenditure is to be charged to the Stormwater Utility Fund - Licenses & Permits Account No. 475.3211.530.493.

(STREETS)

- R.** Request permission to waive competitive bidding, since it is advantageous to the City in that by purchasing the equipment directly from the manufacturer, the City is able to reduce costs and receive discounted pricing, and increase two purchase orders:

(1) Purchase Order No. 2022-301, by an additional amount of \$25,000.00 for the Construction and Maintenance Department

(2) Purchase Order No. 2022-188, by an additional amount of \$15,000.00 for Affordable Housing

both purchase orders issued to Carrier South, doing business as Carrier Enterprise, LLC, for the purchase of air conditioning equipment and parts for the City's facilities that utilize Carrier systems, for a new total cumulative expense amount not to exceed \$55,000.00. The funding for this expenditure is to be charged to the General Fund – Inventory - Construction and Maintenance Account No. 001.0000.141.150.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

- S.** Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has serviced the Fire Department for over fifteen (15) years with trust, integrity and reliability and is the vendor providing the lowest quotation of the four vendors who provided a quotation, and issue a purchase order to Anro Enterprises, Inc., doing business as Diago Dry Cleaners, for uniform laundry service for personnel of Fire administration and that of all nine (9) fire stations, in a total cumulative amount not to exceed \$42,000.00. The funding for this expenditure is to be charged to the Fire Rescue Transportation Fund - Contractual Services Account No. 109.2000.522.340.

(FIRE DEPARTMENT)

- T.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the staff of the Hialeah Fire Department and is an established City vendor who provided the lowest quotation of the three (3) vendors who provided a quotation, and issue a purchase order to Cepero Corp, doing business as Health and Safety Training Institute, for medical training in Advanced Cardiac Life Support (ACLS) and Pediatrics Advanced Cardiac Life Support, both at a rate of \$125.00

per person, in a total cumulative amount not to exceed \$25,000.00. The funding for this expenditure is to be charged to the Fire Rescue Transportation Fund - Training and Education Account No. 109.2000.522.491.

(FIRE DEPARTMENT)

Request permission to utilize Florida Department of Management Services Contract No. 43220000-NASPO-19-ACS – *Data Communications Products and Services*, effective through September 30, 2024, and issue a purchase order to Toshiba America Business Solutions, Inc., vendor providing the lowest proposal via the NASPO Value Point, to pay for the lease cost of the citywide copier, in the amount of \$7,504.26 per month, for a yearly cost of \$90,051.12 plus a cost of \$0.0044 for black and white impressions and \$0.039, \$0.037 and \$0.035 for color impressions. The funding for this expenditure will be provided by the City department(s) utilizing the services from this vendor.

(PURCHASING DIVISION)

- U. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexlore, LLC. to provide Zumba classes to the participants of the CDBG-Step Ahead Social Enrichment Program, for a term commencing on January 1, 2022 and ending on May 31, 2022, in an amount not to exceed \$5,760.00; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Professional Services Agreement attached hereto in substantial form, and made a part hereof as Exhibit “1”; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

- V. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexlore, LLC. to provide Zumba classes to the participants of the Special Populations Therapeutics Enrichment Program, for a term commencing on October 1, 2021 and ending on September 30, 2022, in an amount not to exceed \$3,240.00; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Professional Services Agreement attached hereto in substantial form, and made a part hereof as Exhibit “1”; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

- W. Request permission to cancel the City Council Meeting of December 28, 2021 in observance of the holiday season. Section 3.01 of the City’s Charter provides that the City Council may recess for one (1) month during the calendar year or cancel regular meetings that fall on a holiday or due to the holiday season.

(ADMINISTRATION)

(OFFICE OF THE CITY CLERK)

- X. Request from Saint Benedict Catholic Church, located at 701 West 77<sup>th</sup> Street, Hialeah, Florida, for a permit to host a carnival on church grounds, with setup taking place on Sunday, February 20, 2022 and take down on Monday, February 28, 2022, with the event scheduled to begin on Thursday, February 24, 2022 and ending on Sunday, February 27, 2022, with event hours from 6:00 p.m. to 10:00 p.m., subject to recommendations from the Police Department and the Fire Department.

(OFFICE OF THE CITY CLERK)

- Y. Report of Scrivener’s Error – On November 23, 2021, the City Council approved Ordinance No. 2021-129 (*Item PZ 4*), approving a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District (NBD) Overlay pursuant to Hialeah Code of Ordinances §98-1630.8; and granting a variance permit to allow 24 units (86%) with floor areas ranging from 695 square feet to 729 square feet, where 850 square

feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow 46 parking spaces, where 67 parking spaces are required; all contra to Hialeah Code of Ordinances §§98-1630.2 and 98-2189(16)a. and b. Property located at 167 West 23 Street and 187 West 24 Street, Hialeah, Florida, zoned M-1 (Industrial District).

An amendment to the approved ordinance is necessary as follows: In the title of the approved ordinance, the street address, number 187 West 24 Street should be deleted and replaced as 187 West 23 Street.

(LAW DEPARTMENT)

## 10. ADMINISTRATIVE ITEMS

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## 11. BOARD APPOINTMENTS

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## 12. UNFINISHED BUSINESS

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## 13. NEW BUSINESS

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## 14. ZONING

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### PLANNING AND ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance granting a variance permit to allow single commercial use, where mixed commercial/residential use is required; allow 2 feet front set setback for access ramp and decorative canopy on the second floor encroaching into the front setback; and allow 3 parking spaces, where 7 parking spaces are required, all contra to the Hialeah Code of Ordinances §§ 98-877, 98-881(1)a., and 98-2189(4)(c). **Property located at 402 East 13 Street, Hialeah, zoned CR (Commercial-Residential District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On November 23, 2021 the City Council approved the item on first reading. Second reading and public hearing is scheduled for December 14, 2021.</i>
<i>On November 10, 2021, the Planning and Zoning Board recommended approval of the item.</i>



<i>Planner's Recommendation: Approval</i>
<i>Property Owner: San Lazaro Investments, LLC, 3506 East 23 Street, Alva, Florida 33920</i>

- PZ 2.** Second reading and public hearing of proposed ordinance granting a variance permit to allow 2.83 feet rear setback, where 15 feet are required for the legalization of an existing addition; all contra to Hialeah Code of Ordinances §§ 98-1117 and 98-1071. **Property located at 5999 West 16 Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On November 23, 2021 the City Council approved the item on first reading. Second reading and public hearing is scheduled for December 14, 2021.</i>
<i>Registered Lobbyist: Manny Reus (architect), 18501 Pines Boulevard, Suite 342, Pembroke Pines, Florida 33029, on behalf of San Rocco Investment Corp.</i>
<i>On November 10, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: San Rocco Investment Corp, 7767 Northwest 146<sup>th</sup> Street, Miami, Florida 33016</i>

- PZ 3.** Second reading and public hearing of proposed ordinance granting a variance permit to allow rear setback of 13.5 feet, where 45 feet are required; allow street side setback of 9.99 feet, where 10 feet are required; allow 7.95 feet setback for the dumpster enclosure, where 10 feet are required; allow 5 parking spaces, where 7 parking spaces are required; allow the parking lot on the south side of the building and allow an accessible parking space to be located at the front of the building where parking shall be located in the rear of the property; and incorporate into the application a Site Plan prepared by Carlos Pizarro, Registered Architect; all contra to Hialeah Code of Ordinances §§ 98-781(2) and (4), 78-108(c)(1), 98-782 and 98-2189(7). **Property located at 4890 West 2 Lane, Hialeah, zoned RO (Residential Office).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On November 23, 2021 the City Council approved the item on first reading. Second reading and public hearing wis scheduled for December 14, 2021.</i>
<i>On November 10, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: V&amp;L Investment Group, 5605 NW 82 Avenue, Doral, Florida 33166.</i>

- PZ 4.** Second reading and public hearing of proposed ordinance granting a variance permit to allow a Temporary Waiver of Plat provided that the property will be platted within 18 months of the

approval of this ordinance. **Property located at 14450 NW 102 Avenue and 8870 West 40 Street, Hialeah, zoned MH (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On November 23, 2021 the City Council approved the item on first reading. Second reading and public hearing is scheduled for December 14, 2021.</i>
<i>On November 10, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Gonzalez &amp; Sons Equipment Inc.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owners: (1) GulfStream Engineering Company, 14450 NW 102 Avenue, Hialeah, Florida 33018. (2) Gonzalez Property Investments LTD, P.O Box 126370 Hialeah, Florida 33012. (3) Juan Carlos Gonzalez, 14450 NW 102 Avenue, Hialeah, Florida 33018.</i>

**PZ 5.** Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow a private gas and diesel dispensing station to serve the fleet of a General Contractor's facility, where gas dispensing facilities are not an allowed use in the MH (Industrial District) zoning district. **Properties located at 14450 NW 102 Avenue and 8870 W 40 Street, Hialeah, zoned MH (Industrial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On November 23, 2021 the City Council approved the item on first reading. Second reading and public hearing is scheduled for December 14, 2021.</i>
<i>On November 10, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Gonzalez &amp; Sons Equipment Inc.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owners: (1) Gulfstream Engineering Company, 14450 NW 102 Avenue, Hialeah, Florida 33018. (2) Gonzalez Property Investments LTD, P.O Box 126370 Hialeah, Florida 33012. (3) Juan Carlos Gonzalez, 14450 NW 102 Avenue, Hialeah, Florida 33018.</i>

**PZ 6.** Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow an elementary school for a maximum of 23 students pursuant to Hialeah Code of Ordinances § 98-181; and granting a variance permit to allow 13 parking spaces, where 23

parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(9); allow a 1.4% pervious area, where 18% is required; allow a 2 foot landscape buffer, where a 7 foot landscape buffer is required; and allow no trees and no shrubs, where 8 trees and 80 shrubs are required, subject to mitigation pursuant to § 98-2233; all contra to the City of Hialeah Landscape Manual, latest edition dated July 9, 2015, ¶ (E) Tree and Lawn Requirements by zoning classification, Table A, ...minimum pervious area...percent of net lot area, ¶ (D)(7), Parking Lot Buffers, and ¶ (G) Landscape Legend Information Required to be Permanently Affixed to Plan, Subpart Trees and Shrubs. Property zoned C-1 (Restricted Retail Commercial District); **property located at 375 East 49 Street, Hialeah, Florida**. Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On August 13, 2019, the item was postponed until September 10, 2019 per the applicant's request.</i>
<i>On June 25, 2019 item was postponed until August 13, 2019 by the City Council per the applicant's request.</i>
<i>Item was approved on first reading by the City Council on May 28, 2019. Second reading and public hearing was scheduled for June 25, 2019.</i>
<i>Registered Lobbyist: Oscar Gonzalez, 7901 West 28 Avenue, Hialeah, Florida 33016, on behalf of Kid's Love Daycare, 375 East 49<sup>th</sup> Street, Hialeah, Florida 33013.</i>
<i>On May 15, 2019 the item was approved by the Planning and Zoning Board with the following conditions:</i>
<ul style="list-style-type: none"> <li><i>• The increase on the number of students and staff is not recommended and the CUP for the existing 23 student school could be granted with the condition that a 2 feet landscape buffer be provided at the edge of the property line to prevent improper parking encroaching into the sidewalk and that no less than 2 employees for traffic circulation control be on site at drop-off and pick-up hours daily.</i></li> <li><i>• The parking variance could be approved with the condition that 3,460 square feet of the building remain utilized by a daycare operation which requires 50% parking spaces less than other commercial uses, that the substandard spaces at the rear be exclusively used by compact cars and that a minimum of 5 parking spaces be available at the times that the existing medical clinic is in operation.</i></li> <li><i>• The pervious area variance could be approved with the condition that adequate drainage be provided through a drainage system, the 2 feet landscape buffer should be approved since there is no space to provide a wider buffer and the waiver of the landscape requirement could be approved with the condition that the 8 trees and 80 shrubs be mitigated in accordance to Sec. 98-2233.</i></li> </ul>
<i>Planner's Recommendation: Approve with no school expansion and with conditions.</i>
<i>Property Owners: (1) Adriki Investments Corp., 80 Marina Avenue, Key Largo, Florida 33037 (2) Ruben Demblans, 80 Marina Avenue, Key Largo, Florida 33037.</i>

**PZ 7.** First reading of proposed ordinance rezoning from R-1 (One-Family District) to R-33 (Multiple-Family District); granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-1630.8, to allow the expansion of the Neighborhood Business District Overlay, on the 0.63-acre easternmost portion of the site to allow the development of a three-story mixed use building including 5,000 square feet of retail and 12 multifamily units; granting a variance permit to allow 5 feet south side setback, where 10 feet are required for the development of a two-story/100-unit multifamily development on the 4.27-acre westernmost portion of the site; allow 10 feet north side setback, where 15 feet are required on the 0.63-acre easternmost portion of the site; and allow 50 parking spaces, where 52 parking spaces are required on the mixed use portion of the site, all contra to Hialeah Code of Ordinances §§98-590, §98-1630.3 (e)(2), and 98-2189 (16)(a) and (b). **Property located at 7450 West 4 Avenue, Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On December 8, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Registered Lobbyists: Hugo P. Arza, Esq., and Alejandro J. Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of Prestige Builders Construction Management, LLC.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: The Salvation Army, 1424 NE Expressway, N.E, Atlanta, GA 30329.</i>

**PZ 8.** First reading of proposed ordinance granting a conditional use permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow an elementary school with an enrollment of 96 students within a facility that also includes a daycare with an enrollment of 139 children operating on the first and second floor of an existing shopping plaza that also includes other businesses not related to the school (two office bays on the second floor and a manual carwash on the first floor). **Property located at 585 East 49 Street and 590 East 50 Street, Hialeah, zoned C-1 (Restricted Retail Commercial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On December 8, 2021, the Planning and Zoning Board recommended approval of the item subject to Declaration of Restriction (DOR) limiting the number of students and incorporating the traffic report's circulation plan.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of International Children's Academy Inc.</i>
<i>Planner's Recommendation: Approval subject to Declaration of Restriction (DOR) limiting the number of students and incorporating the traffic report's circulation plan.</i>
<i>Property Owner: (1) International Childrens Academy Inc., 585 East 49 Street, Hialeah, Florida 33013. (2) Mirtha Rodriguez, 8032 NW 164 Terrace, Miami Lakes, Florida 33016.</i>

**PZ 9.** First reading of proposed ordinance granting a conditional use permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow an elementary school including kindergarten, first grade and second grade within a 950 square foot bay, with a maximum of 25 students and 3 teachers, in conjunction with the existing daycare accommodating 28 children and four teachers within a contiguous 1,900 square foot bay. **Property located at 6815-6895 West 4 Avenue, Bays 6879, 6873 and 6887, Hialeah, zoned C-2 (Liberal Retail Commercial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On December 8, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: (1) Tevere Apartments LLC</i> <i>(2) Victor J. Barone TRS, 2014 Barone Family Trust</i> <i>(3) Vivian Barone TRS</i> <i>(4) Pasqueale Digiorgio, 1471 Agua Avenue, Coral Gables, Florida 33156</i>

**PZ 10.** First reading of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances §98-161 to allow harboring of live lobsters within a property zoned M-1 (Industrial District) where this type of use is not specified as a permitted use in the M-1 (Industrial District) zoning district. **Property located at 3171 East 10 Avenue, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On December 8, 2021, the Planning and Zoning Board recommended approval of the item subject to a Declaration of Restrictions (DOR) specifying business operation plan as proffered in connection with the application.</i>
<i>Planner's Recommendation: Approval subject to specifying business operation plan as proffered in connection with the application.</i>
<i>Property Owner: St Real Estate Investments LLC ZVI Shechter, 6300 NW 72 Avenue, Miami, Florida 33166.</i>

## 15. FINAL DECISIONS

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**FD 1.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2021-20** that granted an adjustment on the property located at **5561 West 9<sup>th</sup> Avenue, zoned R-1 (One-Family District);** and providing for an effective date.

<i>On November 23, 2021, the item was postponed until December 14, 2021.</i>

<i>On October 27, 2021, the Planning and Zoning Board recommended approval of the item with the condition that the not permitted additions referenced in the report be legalized within 180 days.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Property Owner: Rosario Soda, 5561 West 9<sup>th</sup> Avenue, Hialeah, Florida 33012.</i>

- FD 2.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2021-21** that granted an adjustment on the property located at **109 East 48<sup>th</sup> Street, zoned R-1 (One-Family District)**; and providing for an effective date.

<i>On November 23, 2021, the item was postponed until December 14, 2021.</i>
<i>On October 27, 2021, the Planning and Zoning Board recommended approval of the item with the condition that the use of the garage is maintained as a garage, and that the 257 square feet structure remains open on its west and south sides.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Property Owner: Lian Garlobo Diaz, 109 East 48<sup>th</sup> Street, Hialeah, Florida 33013.</i>

- FD 3.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2021-22** that granted an adjustment on the property located at **3321 West 2<sup>nd</sup> Avenue, zoned R-1 (One-Family District)**; and providing for an effective date.

<i>On November 23, 2021, the item was postponed until December 14, 2021.</i>
<i>On October 27, 2021, the Planning and Zoning Board recommended approval of the item with the condition that the terrace remains open on three sides.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Property Owner: Jose F. Vargas &amp; Liliana Vargas Mesa, 3321 West 2<sup>nd</sup> Avenue, Hialeah, Florida 33012.</i>

- FD 4.** Proposed resolution rescinding City of Hialeah, Fla., Resolution No. 2021-079 (June 8, 2021) approving the Final Decision of the Planning and Zoning Board, **Decision No. 2020-09** that granted an adjustment on the property located at **3050 West 2<sup>nd</sup> Avenue, Hialeah, zoned R-1 (One-Family District)**; and providing for an effective date.

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, December 14, 2021 at 6:30 p.m.**

**NEXT CITY COUNCIL MEETING: Tuesday, December 14, 2021 at 7:00 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).